

**ORDINANCE NO. 12  
SERIES 2009**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ANNEXING THE PROPERTY COMMONLY KNOWN AS “GUNNISON RISING” INTO THE CITY OF GUNNISON, COLORADO, AND APPROVING AND AUTHORIZING THE EXECUTION OF THE “GUNNISON RISING ANNEXATION AGREEMENT”.**

**WHEREAS**, an Amended Petition for Annexation of the property commonly known as “Gunnison Rising”, which property is more particularly described in the attached Exhibit A, was filed with the City of Gunnison, Colorado, on May 22, 2009, by Gunnison Valley Partners, LLC, Donna R. Bratton, and Gunnison Gateway, LLC, as owners (hereinafter referred to as the “Petitioners”); and

**WHEREAS**, the City Council of the City of Gunnison, Colorado, has previously found said Amended Petition for Annexation to be in substantial compliance with Colorado state law; and

**WHEREAS**, the City Council of the City of Gunnison, Colorado, has previously determined that the property described in attached Exhibit A is eligible for annexation to the City of Gunnison, Colorado, without an election pursuant to Colorado state law; and

**WHEREAS**, the City of Gunnison, Colorado, and the Petitioners have agreed upon the terms and conditions for the annexation of the property described in Exhibit A, which terms and conditions are contained in the Gunnison Rising Annexation Agreement;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:**

Section 1. Annexation. The real property described in Exhibit A, attached hereto and incorporated herein, is hereby annexed to and made a part of the City of Gunnison, Colorado.

Section 2. Annexation Map. The real property described in Exhibit A and herein annexed is depicted in the annexation map entitled “Tomichi Creek Corridor Annexation” dated June, 2009, which is incorporated herein by this reference.

Section 3. Annexation Agreement. The annexation of the real property described in Exhibit A is subject to the terms and conditions contained in the “Gunnison Rising Annexation Agreement” dated December 3, 2009, by and between the City of Gunnison, Colorado, and the Petitioners, as owners of said property. The Mayor and City Clerk are hereby authorized to execute the Gunnison Rising Annexation Agreement on behalf of the City of Gunnison, Colorado.

Section 4. Recording. The Clerk of the City of Gunnison is hereby authorized and directed to file for recording with the County Clerk and Recorder of the County of Gunnison, Colorado, three certified copies of this ordinance and the annexation map, and to record in said office the Gunnison Rising Annexation Agreement bearing original signatures.

Section 5. Publication and Effective Date. The City Clerk is hereby directed to publish this ordinance in full after its final passage. This ordinance shall become effective thirty days after such publication.

**INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED** this 8th day of December, 2009, on first reading, and introduced, read, and adopted on second and final reading this 22nd day of December, 2009.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Published in its entirety in the Gunnison  
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**EXHIBIT A**

A tract of land situated in Section 1, Township 49 North, Range 1 West, Section 36, Township 50 North, Range 1 West, Sections 5 & 6, Township 49 North and Sections 30 & 31, Township 50 North, Range 1 East, New Mexico Principal Meridian, Gunnison County, State of Colorado, more particularly described as follows:

Beginning at the E $\frac{1}{4}$  corner of said Section 31; Thence S 00°23'38" W 1324.57 Ft. to the Southeast corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 31; Thence S 89°43'41" W 1339.66 Ft. to the Southwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 31; Thence S 00°06'24" W 1364.37 Ft. to the South Right-of-Way of U.S. Highway 50; Thence N 89°47'13" E 1335.75 Ft. along said South Right-of-Way; Thence N 89°46'08" E 2629.52 Ft. along said South Right-of-Way to a curve; Thence 568.43 Ft. along the arc of a curve to the right along said South Right-of-Way having a radius of 1382.50 Ft., a central angle of 23°33'29" and a chord of S 80°51'50" E 564.44 Ft. to a reverse curve; Thence 897.91 Ft. along the arc of a curve to the left along said South Right-of-Way having a radius of 1005.00 Ft., a central angle of 51°11'25" and a chord of S 83°46'55" E 868.34 Ft. to a compound curve; Thence 278.27 Ft. along the arc of a curve to the left along said South Right-of-Way having a radius of 1980.00 Ft. a central angle of 08°03'09" and a chord of N 83°10'10" E 278.04 Ft.; Thence S 67°42'16" W 53.30 Ft.; Thence S 40°54'57" W 145.71 Ft.; Thence S 23°32'39" W 126.67 Ft.; Thence S 04°53'25" E 223.24 Ft.; Thence S 03°24'52" W 398.71 Ft.; Thence S 85°33'42" W 700.92 Ft.; Thence N 66°21'06" W 93.44 Ft.; Thence N 58°06'04" W 191.98 Ft.; Thence S 68°05'02" W 44.26 Ft.; Thence N 85°52'10" W 94.86 Ft.; Thence N 48°17'08" W 297.80 Ft.; Thence S 89°20'32" W 198.37 Ft.; Thence S 57°04'57" W 163.61 Ft.; Thence S 31°48'25" W 68.93 Ft.; Thence N 74°42'38" W 467.51 Ft.; Thence S 73°08'43" W 414.66 Ft.; Thence N 60°44'16" W 376.57 Ft.; Thence S 85°00'41" W 740.78 Ft.; Thence S 86°55'49" W 1238.95 Ft.; Thence S 86°09'44" W 1447.72 Ft.; Thence S 07°27'36" W 470.05 Ft.; Thence S 61°10'21" W 472.51 Ft.; Thence N 01°10'36" W 365.64 Ft.; Thence S 89°09'54" W 766.41 Ft. along the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 6 to a Point on the East boundary of the Gunnison County Airport Property Conveyed to Gunnison County by court order, recorded May 29, 2002 at reception number 520716; Thence N 16°24'30" W 946.95 Ft. along said Airport Boundary; Thence S 73°35'30" W 2887.24 Ft. along said Airport Boundary to the West line of Government Lot 1 of said Section 1; Thence N 00°08'15" W 637.48 Ft. along the West line of Government Lot 1 of said Section 1 to the Southerly line of the Pioneer Society Addition to the City of Gunnison; Thence N 59°40'00" E 992.74 Ft. along said Addition to the South Right-of-Way of U.S. Highway 50; Thence N 89°45'50" E 31.74 Ft. along said South Right-of-Way; Thence N 00°14'10" W 10.00 Ft. along said South Right-of-Way; Thence N 89°45'50" E 422.59 Ft. along said South Right-of-Way; Thence N 00°19'28" E 199.26 Ft. to the South line of the Wilson Subdivision; Thence N 89°44'13" E 298.29 Ft. to the Southeast corner of said Subdivision; Thence N 00°24'42" E 749.87 Ft. to the Northeast corner of said Subdivision; Thence S 90°00'00" W 665.54 Ft. to the Northwest corner of said Subdivision; Thence N 00°20'16" E 160.44 Ft. to the North line of the Western State College tract of land described in Book 592 Page 374, Gunnison County Records; Thence S 89°59'20" W 354.96 Ft. to the Northwest corner of said tract of land; Thence N 00°20'16" E 573.73 Ft. to the Northwest corner of the E $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 36; Thence N 89°59'34" E 723.64 Ft. to the East line of said Section 36; Thence N 00°25'34" E 998.76 Ft. to the East  $\frac{1}{4}$  corner of said Section 36; Thence N 00°16'22" W 1408.93 Ft. to a point on the West line of Section 31; Thence S 53°25'47" E 1135.40 Ft.; Thence S 89°58'56" E 366.73 Ft.; Thence N 00°33'12" W 1911.81 Ft. to the Southwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 31; Thence N 22°23'07" E 572.25 Ft.; Thence S 88°48'33" E 267.61 Ft.; Thence S 21°46'27" E 386.90 Ft.; Thence S 10°59'31" E 483.90 Ft.; Thence S 29°21'37" E 1146.79 Ft. to the Northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 31; Thence N 89°39'15" E 820.64 Ft.; Thence S 35°58'54" E 582.64 Ft.; N 89°39'15" E 536.57 Ft.; Thence S 35°50'18" E 1042.33 Ft.; Thence N 89°41'54" E 272.84 Ft. to the Point of Beginning containing 633.024 Acres, more or less.

Basis of bearings is the North line of said Section 6 being S 89°46'00" W according to the U.S.G.L.O. Plat of Township 49 North, Range 1 East, N.M.P.M.